

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 22-CR-10038-IT
	)	
ARIEL LEGASSA	)	

**Defendant's First Supplemental Request for Jury Instructions**

Defendant Ariel Legassa hereby requests that the court give the following instruction on the good faith defense to mail fraud.

Mr. Legassa reserves the right to request additional instructions up to the submission of the case to the jury.

### **Good Faith**

Since an essential element of the crime charged is intent to defraud, it follows that good faith on the part of the defendant is a complete defense to a charge of mail fraud.

A defendant has no burden to establish his or her good faith. Rather, the burden is on the government to prove fraudulent intent and consequent lack of good faith beyond a reasonable doubt.

In this case the defendant argues that NESN, through its CEO Sean McGrail and COO/CFO Raymond Guilbault, knew about and condoned, that is, approved, the conduct in which defendant is alleged to have engaged. Evidence that NESN, McGrail, and Guilbault knew of the allegedly fraudulent scheme or of an alleged material false statement and nevertheless approved and made payments to Alley CT knowing that the money would go to the defendant, may be considered by you on the issue of whether the government has proven that a defendant had the intent to defraud necessary to have committed the alleged wire fraud at issue. The defendant contends that NESN, McGrail, and Guilbault knew of and condoned the activities in question and therefore that defendant did not possess the required intent to commit the crimes of mail fraud with which he is charged. The defendant has no duty to prove to you that this contention is correct, rather the burden is always on the government to prove each element of each offense charged beyond a reasonable doubt, including the element of intent.

*United States v. Soto*, 799 F.3d 68, 94-95 (1st Cir. 2015)

ARIEL LEGASSA

By his attorney,

/s/ *E. Peter Parker*

E. Peter Parker

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 19, 2023.

/s/ *E. Peter Parker*

E. Peter Parker